

## **REMARKS**

### **I. INTRODUCTION**

Claim 1 has been amended. Support for the amendment may be found in paragraph [0030] of the published Specification; therefore, it is respectfully submitted that no new matter has been added. Claims 1, 3-5, 8 and 9 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

### **II. CLAIM REJECTIONS – 35 U.S.C. § 103(a)**

Claims 1, 3-5, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,366,661 to Devillier et al. (hereinafter “Devillier”) in view of U.S. Pub. App. No. 2007/0230668 to Brown et al. (hereinafter “Brown”). (See 7/30/10 Office Action, pp. 2-7.)

Claim 1, as presently amended, recites “[a] method for managing an incoming call to a subscriber terminal, said terminal providing access to resources of the Public Switched Telephone Network (PSTN) and data terminal access to online resources of a packet network, the method comprising: accessing said packet network to ascertain online network status of the subscriber terminal, said accessing said packet network comprising accessing one of an IP network, an Ethernet, a LAN, and a WAN; indicating the arrival of an incoming call to the subscriber terminal during online operation of said subscriber terminal by generating a message to said subscriber terminal; according to subscriber preferences stored in a memory and without requesting an action by a user of the subscriber terminal, selecting one of the steps of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call, said options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail; and performing the selected one of forwarding the incoming call to voicemail, forwarding the incoming call to the forwarding number, and activating the options selection menu at the subscriber terminal.”

The Examiner concedes that Deviller does not disclose or suggest “according to subscriber preferences stored in a memory ... selecting one of the steps of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call,” wherein the selection is made “*without [requesting an] action by a user of the subscriber terminal.*” (See 7/30/10 Office Action, p. 4.) Addressing this deficiency, the Examiner cites Brown, asserting that “Brown in the same or similar field of endeavor teaches in state 308 the system determines whether a response (e.g., an option selection) is received within a threshold period of time. If not, the system applies a default control option in state 310. If the subscriber cannot be contacted within a pre-determined period of time (e.g., the instant messages are rejected, the subscriber does not respond), the call control server may abort the control process and apply a default call control option (e.g., take a voicemail message) (paragraphs 0024 and 0041). (See *id.*, p. 4, citing Brown, ¶¶ [0024], [0041].)”

The Applicants respectfully submit that the Examiner’s assertion is erroneous, in view of the amendment to claim 1. The recitation of claim 1 specifies that the step to be performed “without requesting an action by a user of the subscriber terminal” is “according to subscriber preferences stored in a memory ... selecting one of” a plurality of steps. Brown does not disclose that such a selection is performed in the cited instances “without requesting an action by a user of the subscriber terminal.” (See Brown, ¶¶ [0024], [0041].) Rather, Brown specifically states that in such an instance, “the call control server sends an initial instant message ... to the subscriber’s device. The initial instant message includes any number of options for controlling or handling the call.” (See *id.*, ¶ [0040].) Thus, in all circumstances, the Brown system sends an instant message upon receipt of the call. The sending of this message is not dependent on the user’s preferences, it is sent as a matter of course in the Brown system. Furthermore, the fact that the Brown system takes a default step if no response is received from the user is irrelevant to the present analysis because the Brown system has already requested an action by the user when sending the initial message. Therefore, the Applicants respectfully submit that Brown does not disclose or suggest “according to subscriber preferences stored in a memory and without requesting an action by a user of the subscriber terminal, selecting one of the steps of” as recited in claim 1.

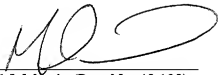
Therefore, for the foregoing reasons, the Applicants respectfully submit that Brown does not cure the conceded deficiencies of Devillier, and that Devillier and Brown, alone or in combination, neither disclose nor suggest “according to subscriber preferences stored in a memory ... selecting one of the steps of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call,” wherein the selection is made “without action by a user of the subscriber terminal,” as recited in claim 1. Accordingly, this rejection should be withdrawn. Because claims 3-5, 8 and 9 depend from, and, therefore, include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the currently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By:   
Michael J. Marciniak (Reg. No. 48,198)

Fay Kaplun & Marciniak, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Phone: 212-619-6000  
Fax: 212-619-0276